

SEP 9 2002

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE)	CONSENT ORDER
)	
PETITIONER,)	
)	
VS.)	
)	CAUSE NO. A-1480
MICHAEL LOFGREN,)	
)	
RESPONDENT.)	

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Linda R. Sanchez-Masi, and Michael Lofgren ("Respondent"), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to Neb.Rev.Stat. §44-101.01, §44-4001 et seq. (repealed September 1, 2001), §44-4047, et seq., (effective September 1, 2001), §44-3601 et seq., Title 210 Nebraska Administrative Code Chapter 36 and §44-1521 et seq.

2. Respondent is licensed as an insurance agent under the laws of Nebraska at all times material hereto. Respondent's registered address with the Department of Insurance is PO Box 112, Fremont, Nebraska, 68026.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Michael Lofgren, on July 25, 2002. A copy of the petition was served upon the Respondent at the Respondent's address registered with the Department by certified mail, return receipt requested.

2. The petition alleges that Respondent violated Title 210 Nebraska Administrative Code Chapter 36 §(021.02) as a result of the following conduct:

- a. On or about October 26, 2000, Respondent solicited a Medicare supplement policy application from Robert Carmichael for insurance underwritten by Mutual Protective Insurance Company. At that time, Mr. Carmichael had an existing Medicare supplement policy in force that was underwritten by State Mutual Insurance Company ("State Mutual").
- b. Respondent assured Mr. and Mrs. Carmichael that he would prevent duplicate coverage by canceling the existing Medicare supplement policy with State Mutual.
- c. Respondent failed to cancel the policy underwritten by State Mutual, thereby providing Mr. Carmichael with more than one Medicare supplement policy from December 2000 until June 2001.

3. The petition alleges that Respondent violated Neb.Rev.Stat. §44-4028(4) as a result of the conduct described above in Paragraph 2(a) through (c).

4. The Respondent was informed of his right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving his right to a public hearing, Respondent also waives his right to confrontation of witnesses, production of evidence, and judicial review.

5. Respondent admits the allegations contained in the Petition and restated in Paragraphs #2 and #3 above.

CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes a violation of Title 210 Nebraska Administrative Code Chapter 36 §(021.02) and Neb.Rev.Stat. §44-4028(4).

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondent, Michael Lofgren, that Respondent shall pay an administrative fine of ~~\$1,000.00~~ ^{CVSM \$500.00 09-04-02} within thirty (30) days from the date the Director signs this Consent Order.. The Nebraska Department of Insurance shall

retain jurisdiction of this matter for the purpose of enabling the Respondent or the Department to make application for such further orders as may be necessary.

In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his or her signature below.

Linda R. Sanchez-Masi

Linda R. Sanchez-Masi
Representative for Nebraska
Department of Insurance
941 "O" Street, Suite 400
Lincoln, NE 68508
(402) 471-2201

09-04-02

Date

Michael Lofgren

Michael Lofgren
Respondent

9-4-02

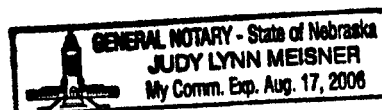
Date

Attorney for Respondent

Date

State of Nebraska)
) ss.
County of Lincoln)

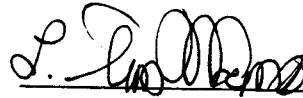
On this 4th day of September, 2002, Michael Lofgren personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.



[Signature]
Notary Public

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. Michael Lofgren, Cause No. A- 1480.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



L. TIM WAGNER
Director of Insurance

September 9, 2002
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent at Respondent's registered address ~~of Davis Insurance Agency~~ ^{at} PO Box 112, Freemont, Nebraska, 68026 by certified mail, return receipt requested on this 9th day of ~~July~~ ^{September}, 2002.

